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By: *[Signature]*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

PAULA CORBIN JONES,

Plaintiff,

v.

WILLIAM JEFFERSON CLINTON  
and DANNY FERGUSON,

Defendants.

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CIVIL ACTION NO. LR-C-94-290

Judge Susan Webber Wright

Under Seal

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION  
TO COMPEL RESPONSES TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND FIRST REQUESTS FOR PRODUCTION  
OF DOCUMENTS AND THINGS TO DEFENDANT FERGUSON**

Plaintiff Paula Jones submits this Memorandum in Support of Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Interrogatories and First Request for Production of Documents and Things to Defendant Ferguson.

Mr. Ferguson has refused to answer Interrogatory No. 1 and to provide any documents in response to the Requests. The Court should order Mr. Ferguson to answer these Interrogatories and respond to the Requests.

**Interrogatory No. 1**

Interrogatory No. 1 seeks the identity of persons who have, or are likely to have, discoverable information relevant to one or more disputed fact alleged with particularity in the pleadings in this case. It is without question that a party may discover "the identity and

location of persons having knowledge of any discoverable matter.” Fed. R. Civ. P. 26(b)(1). Nevertheless, Mr. Ferguson’s response indicates only that he will provide a witness list as soon as he has made a determination of who his witnesses will be. A witness list and a list of persons with discoverable information are not the same. Plaintiff is entitled to discover all persons that Defendant Ferguson knows of that have knowledge of any discoverable matter, and Defendant Ferguson may not limit this list to any person that he “determines” he will list as a witness. Mr. Ferguson must be ordered to provide the information requested in Interrogatory No. 1.

### **Requests For Production**

On October 13, 1997, Plaintiff served her Requests on Defendant Ferguson. On or about November 10, 1997, Plaintiff received Mr. Ferguson’s Production Responses. Mr. Ferguson interposed no objections, but simply stated that he has no “information” responsive to Plaintiff’s Requests and failed to produce a single document. Mr. Ferguson (or his agent, Mr. Bristow) undoubtedly has documents responsive to the Requests and must be ordered to produce them. Several of the requests are more specifically addressed below.

### **Requests No. 48-55**

Requests Nos. 48-55 seek production of documents concerning the payment of attorneys fees or expenses, an agreement to pay attorneys fees or expenses, or any other documents relating to attorneys fees or expenses associated with representing Mr. Ferguson in this lawsuit. Mr. Ferguson interposed no objections to these (or any) Requests, but simply stated that he has no “information” responsive to these (or any) Requests.

Bill Bristow filed an answer on behalf of his client Danny Ferguson on June 10, 1994, approximately 3 1/2 years ago. In response to Interrogatory No. 8, Mr. Ferguson states that "no one, other than Defendant Danny Ferguson, has made any commitment to pay his counsel for legal fees or for any other expenses in connection with this matter, including the legal defense of this matter". Therefore, Mr. Ferguson (or his agent, Mr. Bristow) would be in possession of all responsive documents. Mr. Ferguson's Production Response suggests that no records that relate in any way to attorneys fees or expenses have been generated in the past 3 1/2 years. That position is untenable. Mr. Ferguson must be ordered to provide all documents responsive to Requests Nos. 48-55 (as well as all other requests) that are in his possession (or that of his agent, Mr. Bristow).

WHEREFORE, Plaintiff requests that the Motion be granted and for all other just relief.

Respectfully submitted,

*McCord Wilson*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 5<sup>th</sup>, 1998, a true and correct copy of the foregoing document (including the accompanying exhibits and attachments, if any) was served on all parties by service on their counsel of record at the addresses set forth below, in compliance with FED. R. CIV. P. 5.

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